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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,984	09/28/2001	E-Lee Chang	BELL-0128/01181	5167
49584	7590	09/19/2006	EXAMINER	
LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201				WOO, STELLA L
		ART UNIT		PAPER NUMBER
		2614		

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/965,984	CHANG ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
	Stella L. Woo	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 07 July 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1,3,5-18,22-26 and 28-47 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1, 3, 5-18, 22-26, 28-47 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_\_  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 7, 2006 has been entered.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5-18, 22-23, 25, 28-31, 33-34, 36-38, 40, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alpert (US 5,742,666) in view of Markowitz et al. (US 6,295,346, hereinafter "Markowitz"), and further in view of Druckenmiller et al. (US 6,167,435, hereinafter "Druckenmiller").

Regarding claims 1, 3, 5-18, 22-23, 25, 28-31, 33-34, 36-38, 40, 42, Alpert discloses a method comprising:

receiving a location signal at a base station from a remote device associated with a subscriber (central control station 20 receives location information from cellular telephone 50; col. 13, lines 57-65); determining from the location signal a street address (location coordinates are converted electronically to a more workable street address; col. 14, lines 16-22); obtaining an updated notification message from the remote device (the cellular telephone 50 provides updated information regarding the location of the user in distress; col. 14, line 49 – col. 15, line 6; col. 15, lines 44-51); and providing the updated notification message until a deactivation event occurs (updated location information is provided periodically until the user inputs an “end transmission” code; col. 15, lines 44-62).

Alpert differs from claims 1, 3, 5-18, 22-23, 25, 28-31, 33-34, 36-38, 40, 42 in that although it teaches the central station providing a notification message to the emergency service (col. 13, lines 59-65; col. 14, lines 14-15; col. 15, lines 1-6) it does not specify storing a contact profile and providing the notification message to each of a plurality of contacts. However, Markowitz teaches the desirability of having the base station (private emergency response service is outcall module 190 in Figure 1) store a contact profile (outcall database 125 stores a list of individuals that are to be called in the event of an emergency; col. 3, lines 47-55) and place a phone call to the public emergency service (emergency service provider) along with each of a plurality of contacts

(col. 3, line 63 – col. 4, line 5) so that family members, work associates, neighbors, etc. can be notified of the emergency (col. 1, lines 14-42) with only a single phone call from the user to the base station (private response service). It would have been obvious to an artisan of ordinary skill to modify the method of Alpert by adapting the central control station to contact each of a plurality of contacts as well as the emergency service provider, as taught by Markowitz, so that only one phone call from the user is needed to send the caller's identity and location coordinates (notification message) to the public emergency service as well as to family members, neighbors, etc.

The combination of Alpert and Markowitz differs from claims 1, 3, 5-18, 22-23, 25, 28-31, 33-34, 36-38, 40, 42 in that it does not teach testing the contact data associated with each of the plurality of contacts by sending a test message and initiating a test call to each of the contacts. However, Druckenmiller teaches the desirability of verifying email addresses in a distribution list by sending to each email address a test message (verification message; col. 2, lines 10-16; col. 3, lines 34-52) such that it would have been obvious to an artisan of ordinary skill to incorporate such email address verification, as taught by Druckenmiller, within the combination of Alpert and Markowitz in order to ensure that emergency notification messages are sent to valid email addresses.

Regarding claims 3, 22, Alpert teaches the location identification system as being a GSP system (col. 5, line 63 – col. 6, line 3).

Regarding claims 5-6, 28-30, in Alpert, the location information is in the form of location coordinates, e.g. longitude and latitude (col. 14, lines 16-19).

Regarding claims 7-9, Markowitz teaches the desirability of communicating an emergency notification message to a predefined set of parties in the form of an e-mail message in lieu of a voice message (col. 7, lines 34-45, 51-53) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of e-mail, as taught by Markowitz, within the method of Alpert in order to allow for the option of e-mail notification.

Regarding claims 8-9, Markowitz provides for using a template (col. 7, lines 45-50).

Regarding claims 10-12, 25, Markowitz teaches the desirability of communicating an emergency notification message by synthesized voice (col. 4, lines 6-45) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of a synthesized voice message, as taught by Markowitz, within the method of Alpert when notifying each contact over the telephone system.

Regarding claims 11-12, Markowitz uses a voice template to form a notification message (col. 4, lines 10-45).

Regarding claim 13, in Alpert, the caller's identity is provided in the notification message (col. 7, lines 30-31).

Regarding claim 14, in Markowitz, information regarding the caller's identity is retrieved from subscriber database 120 (col. 3, lines 33-38).

Regarding claims 15-17, in Alpert, the triggering event is the activation of the emergency key 64 or a crash detector 66 (col. 6, lines 50-67).

Regarding claim 18, in Alpert, the current, periodically updated location of the cellular telephone caller can be considered as an event status.

4. Claims 24, 26, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Alpert, Markowitz, and Druckenmiller, and further in view of Tsumpes (US 6,442,241 B1).

The combination Alpert, Markowitz and Druckenmiller differs from claims 24, 26 and 39 in that it does not specify the contact profile as including a contact type associated with each contact or contact via Internet connection. However, Tsumpes teaches the desirability of communicating an emergency notification message to a list of contacts in a variety of ways, such as voice, pager, voice mail, fax and e-mail (which takes place over the Internet), with the subscriber account record indicating the formats in which a message is to be communicated for each contact (Abstract; Figure 4; col. 6, lines 10-23) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of a variety formats, as taught by Tsumpes, within the combination of Alpert, Markowitz and Druckenmiller in order to provide options as to how each contact is to be notified.

5. Claims 32, 35, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alpert, Markowitz, and Druckenmiller, as applied to claims

1, 22 and 40 above, and further in view of King et al. (US 5,864,755, hereinafter “King”).

The combination of Alpert, Markowitz and Druckenmiller differs from claims 32, 35 and 41 in that it does not specify the deactivation event as being an expiration of a predefined timeout period. However, King, from the same field of endeavor, teaches the desirability of returning a mobile phone to its normal status after a predetermined time period or in response to an appropriate command (col. 3, lines 41-46; col. 4, lines 5-24, 61-67) such that it would have been obvious to an artisan of ordinary skill to incorporate such deactivation in response to the expiration of a timeout period, as taught by King, within the combination of Alpert, Markowitz and Druckenmiller in order to cease the emergency notification calling after sufficient time for help to arrive has passed.

6. Claims 43-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Alpert, Markowitz and Druckenmiller, and further in view of Menard (US 2004/0247086).

The combination of Alpert, Markowitz and Druckenmiller differs from claims 43-47 in that it does not teach a website by which the plurality of contacts can retrieve location information. However, Menard, from the same field of endeavor, teaches the desirability of providing emergency event information at a website including the location of the emergency situation, the number of injured people, treatment facility information, etc. (paragraphs 26-

28) such that it would have been obvious to an artisan of ordinary skill to incorporate such provision of a website, as taught by Menard, within combination of Alpert, Markowitz and Druckenmiller in order to provide notified persons with access to details regarding the emergency event.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 3, 5-18, 22-26, 28-47 have been considered but are moot in view of the new grounds of rejection.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Art Unit 2614